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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/507,236 | 02/18/2000 | John G. Ellis | 081862.P163 | 9691 |

7590 12/24/2003

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| EXAMINER |
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MEHRA, INDER P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2666 | 8 |

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/507,236

Applicant(s)

ELLIS, JOHN G.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This is in response to an amendment 1 dated which has been fully considered and made of record. Based on this amendment, claims 1-14 are now pending. In view of the applicant's arguments, which are not persuasive, this action is made Final.

Claim Objections

2. Claims 9 and 12-14 are objected to because of the following informalities:
- Claims 9 and 13-14 recite, "one or more AAL2 VP/VCs. This limitation makes the claim indefinite. Chice is between either 'one' or 'more' AAL2 VP/VCs.
 - Claim 12 recites, "A computer-readable medium". There exists antecedent basis in independent claim 12. 'A' should be changed to 'the'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brueckheimer et al (US Patent No. 6,519,261), hereinafter, Brueckhimer ('261).

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For claims 1 and 3, Brueckheimer ('261) discloses, in reference to fig. 1, a method comprising dynamically (col. 2 line 53-60), establishing ATM adaptation layer 2 (AAL-2) channel identifiers (CIDs) on a call-by-call basis, refer to abstract, col. 1 line 4-6, col. 1 line 44, col. 3 lines 25-26, using ATM standards-based call control signaling protocol (col. 5 line 65-col. 6 line 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-6, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brueckheimer et al** ('261), as applied to claims 1 and 3 above, and further in view of **Brueckheimer et al** (US Patent No. 6,496,508), hereinafter, '508);

For claims 2, 4-6 and 11, Brueckheimer ('261) discloses the method of claim 1 further comprising translations (mapping) the CIDs to a local channel ID (virtual path/virtual channel (VP/VC)), refer to col. 10 lines 19-21:

Brueckheimer ('261) does not disclose expressly mapping CID to a virtual path/virtual channel that forms part a virtual user network interface (UNI) to an ATM network; and ATM call control protocol is selected from the list comprising UNI 3.1/4.0 and Q.2931, as taught by claim 6;

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Brueckheimer ('508) discloses VPI/VCI information pertaining to end points of a cross connect and establishing a connection (mapping) between narrowband trunk to a pre-provisioned virtual channel connection (VCC) using the stored VPI/VCI information (mapping CID to VPI/VCI), refer to abstract and col. 4 lines 38-45; and further discloses UNI interface, refer to col. 3 lines 36-42; and further discloses Q.2931 for signaling protocol, refer to col. 3 lines 48-49;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of mapping CID with VPI/VCI forming part of user network interface UNI to an ATM network. The mapping of channel identifier (CID) to VPI/VCI can be implemented by combining the system as taught by Breuckheimer et al ('508) with Breuckheimer et al ('261) at the user network interface (UNI) to an ATM network. The suggestion/motivation to do so would have been to match the traffic types and quality of service requirements.

For claim 12, Brueckheimer ('261) discloses computer-readable medium embodying the computer-readable instructions, refer to col. 13 lines 1-13.

7. Claims 7-10, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brueckheimer et al** ('261), in view of **Brueckheimer et al**, hereinafter, Brueckheimer ('508), as applied to claims 1-6 and 11-12 above, and further in view of **Burns et al** (US Patent No. 6,490,245), hereinafter, Burns;

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For claims 7 and 8, Brueckhimer ('261 and '508) disclose all the subject matter of the claimed invention with the exception of "network edge device communicatively coupled to customer premises equipment";

Burns discloses, in reference to fig. 1, customer premises equipment (CPE 12A, 12B and 12C) connected to user network interface (UNI) (network edge device), refer to col. 6 line 54;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of mapping CID with VPI/VCI forming part of user network interface UNI to an ATM network. The mapping of channel identifier (CID) to VPI/VCI can be implemented at the network edge by combining the system as taught by Breuckheimer et al ('508) with Breuckheimer et al ('261) and Burns at the user network interface (UNI) to an ATM network. The suggestion/motivation to do so would have been to match the traffic types and quality of service requirements and allow the use of switch by the customer.

For claims 9, Brueckhimer ('261) discloses the following limitations:

- multiplexing the TDM channels to one or more AAL-2 VPs/VCs, refer to col. 2 lines 45-48 and fig. 1.

For claims 10, 13 and 14, Brueckhimer ('261) discloses the following limitations:

- computer readable instructions ----cause the processor to multiplex one or more TDM communication channel to one or more AAL-2 VPs/VCs, refer to col. 13 lines 1-13, col. 2 lines 45-48, and col. 3 line 34-col. 4 lines 24, prior to mapping the AAL-2 CIDs to the VP/VC, fig. 1 and col. 10 lines 19-21.

Response to Arguments

8. Applicant's arguments filed 10/7/03 regarding claims 1-14 have been fully considered but they are not persuasive.

Applicant argues that Brueckheimer '261 does not describe any method associated with the actual implementation of his connection control.

In response, it is stated that Brueckheimer '261 discloses, "a method for typical ATM adaptation of communication traffic", refer to col. 3 line 25, col. 4 lines 1-3, col. 1 lines 5-6; Further, Brueckheimer '261 discloses, "channel associated signaling, refer to col. 5 line 65 through col. 6 line 9.

Applicant argues that Brueckheimer '261 does not disclose, "establishing AAL2CIDs on a call by call basis using ATM standards-based call control signaling protocol", as taught by claim1.

In response, it is stated that Brueckheimer '261 discloses, ""establishing AAL2CIDs , refer to col. 2 lines 36-60, on a call by call basis , refer to "carrying call connection" col. 6 line 6/8-10, using ATM standards-based , refer to col. 1 lines 53-55, col. 10 lines 19-22 and col. 12 lines 12-14, call control signaling protocol", refer to col. 5 line 65-col. 6 line 10, as taught by claim1.

Applicant argues that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention ----;

In response to applicant's argument that there is no suggestion to combine the references,

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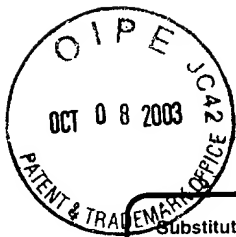
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the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Brueckheimer '261, Brueckheimer '508 and Burns disclose, all the limitations of all the claims, refer to office action above.

In the light of above explanation, applicant's arguments are not persuasive.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 1

Complete if Known

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|------------------------|-------------------|
| Application Number | 09/507,236 |
| Filing Date | February 18, 2000 |
| First Named Inventor | John G. Ellis |
| Art Unit | 2666 |
| Examiner Name | Mehra, Inder P. |
| Attorney Docket Number | 81862P163 |

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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No.† | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|-----------------------|--------------|---|----------------|
| jm | | "ATM Trucking using AAL2 for Narrowband Services", The ATM Forum Technical Committee, AF-VTOA-0113.000 Final Ballot, January, 1999, pg. 1-52. | |
| gm | | BELLCORE, G. Ratta, Chief Editor, "ATM User-Network Interface, Version 3.1 (UNI 3.1) Specification, The ATM Forum, Draft of May 28, 1994, pg. 1-68 | |
| gm | | "Broadband Integrated Services Digital Network (B-ISDN) - Digital Subscriber Signaling System No. 2 (DSS 2) - User-Network Interface (UNI) Layer 3 Specification For Basic call/Connection Control", ITU-T Telecommunication standardization Sector of ITU, B-ISDN Application Protocols For Access Signaling, ITU-T Recommendation Q.2931 (02/95), pg. 1-249 | |
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|-----------------------|-----------------|--------------------|----------|
| Examiner Signature | Inder Pal Mehra | Date Considered | 12.16.03 |
|-----------------------|-----------------|--------------------|----------|

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

†Applicant's unique citation designation number. *Applicant is to place a check mark here if English language Translation is attached.

Based on PTO/SB/08B (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 08/11/2003.
Send To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450